

CRAIG CARPENITO  
Acting United States Attorney  
DANIEL J. GIBBONS  
Assistant U.S. Attorney  
970 Broad Street  
Newark, N.J. 07102  
Tel. (970) 645-2828  
Fax (973) 297-2010  
[daniel.gibbons@usdoj.gov](mailto:daniel.gibbons@usdoj.gov)

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

GEICO a/s/o Aleksey Tash,

*Plaintiff,*

v.

Carl Grant, Penske Lease & Rental and  
US Trailer Holdings LLC,

*Defendants.*

HON.

*Civil Action No.*

**NOTICE OF REMOVAL  
OF CIVIL ACTION**

To: Clerk, Superior Court of New Jersey  
Hudson County, Law Division, Civil Part  
William Brennan Courthouse  
583 Newark Avenue  
Jersey City, NJ 07306

William Hahn, Esq.  
McDermott & McGee, LLP  
75 Main Street  
PO Box 192  
Millburn, New Jersey 07041

Michelle M. Smith, Esq., Clerk  
Office of the Superior Court Clerk  
Richard J. Hughes Justice Complex  
25 W. Market Street, 6th Floor North Wing  
P.O. Box 971  
Trenton, NJ 08625

PLEASE TAKE NOTICE that the case of *GEICO a/s/o Aleksey Tash v. Carl Grant, et al.*, previously pending in the Superior Court of New Jersey, Hudson

County, Law Division, Special Civil Part, assigned Docket Number HUD-DC-016152-17, is hereby removed to the United States District Court for the District of New Jersey, pursuant to the provisions of 28 U.S.C. § 2679(d). Carl Grant, employee of the United States Postal Service, through its attorney, Craig Carpenito, United States Attorney for the District of New Jersey (Daniel J. Gibbons, Assistant United States Attorney, appearing), states, upon information and belief, as follows:

1. The Plaintiff named Carl Grant as a defendant in the Complaint in the above-captioned action, which was filed in the Superior Court of New Jersey, Hudson County, Law Division, Special Civil Part, on or around December 7, 2017. Service of process has not been effected upon the United States in the manner specified in and required by Fed. R. Civ. P. 4(i). Copies of the Summons, the Complaint and all documents delivered therewith are attached as Exhibit A.

2. The Plaintiff has demanded judgment for injuries allegedly sustained as the result of tortious conduct of the named defendants.

3. At all times relevant to this Complaint, defendant Carl Grant was employed by the United States Postal Service, a federal agency.

4. Section 2679(b) of Title 28 of the United States Code, as amended by the Federal Employees Liability Reform and Tort Compensation Act of 1988, Pub. L. No. 100-694, 102 Stat. 4563 (1988), provides that the Federal Tort Claims Act (“FTCA”) is the exclusive remedy for tort claims against the United States. The United States is the only cognizable and proper defendant as to the Plaintiff’s state law tort claims alleged against Carl Grant in this action.

5. The United States District Courts have exclusive jurisdiction over tort actions filed against the United States under the FTCA. 28 U.S.C. § 1346(b).

6. Federal law directs that “[u]pon certification by the Attorney General that the defendant employee was acting within the scope of his office or employment at the time of the incident out of which the claim arose, any civil action or proceeding commenced upon such claim in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States for the district and division embracing the place in which the action or proceeding is pending.” 28 U.S.C. § 2679(d)(2). On information and belief, no trial date for this matter has been set by the state court.

7. Accordingly, the United States District Court for the District of New Jersey has exclusive jurisdiction over this action under 28 U.S.C. § 1346(b), and this action is properly removed to this Court pursuant to 28 U.S.C. § 2679(d)(2).

8. No answer to the Complaint has been filed in the state court on behalf of Carl Grant.

9. A copy of this Notice of Removal and accompanying letter, attached hereto as Exhibit B, will be filed with the Clerk of the Superior Court of New Jersey, Hudson County, Law Division, Special Civil Part. Copies of the Notice of Removal will also be served on all parties that have appeared in the action in accordance with 28 U.S.C. § 1446(d).

THEREFORE, in accordance with 28 U.S.C. § 2679(d)(2), the above-captioned action brought in the Superior Court of New Jersey, Hudson County, Law Division,

Special Civil Part, is hereby removed to the United States District Court for the District of New Jersey for further proceedings.

Dated: February 5, 2018

Respectfully submitted,

CRAIG CARPENITO  
United States Attorney

By: /s/ Daniel J. Gibbons  
DANIEL J. GIBBONS  
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that I caused to be served a copy of the within Notice of Removal and all referenced attachments by FedEx on February 5, 2018, upon the following:

Clerk, Superior Court of New Jersey  
Hudson County, Law Division, Civil Part  
William Brennan Courthouse  
583 Newark Avenue  
Jersey City, NJ 07306

Michelle M. Smith, Esq., Clerk  
Office of the Superior Court Clerk  
Richard J. Hughes Justice Complex  
25 W. Market Street, 6th Floor North Wing  
P.O. Box 971  
Trenton, NJ 08625

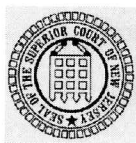
William Hahn, Esq.  
McDermott & McGee, LLP  
75 Main Street  
PO Box 192  
Millburn, New Jersey 07041

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief.

Executed on this 5<sup>th</sup> day of February, 2018

/s/ Daniel J. Gibbons  
DANIEL J. GIBBONS  
Assistant United States Attorney

## EXHIBIT A



Court's Address and Phone Number:  
HUDSON Special Civil Part  
595 NEWARK AVENUE  
JERSEY CITY, NJ 07306-0000  
201-748-4400 ext.66680

Superior Court of New Jersey  
Law Division, Special Civil Part  
HUDSON County  
Docket No: HUD-DC-016152-17  
**Civil Action**  
**TORT-AUTO**

### YOU ARE BEING SUED!

#### Person or Business Suing You (Plaintiff)

GEICO

See Page 3 for additional Plaintiff list

#### Plaintiff's Attorney Information

WILLIAM HAHN  
MC DERMOTT & MC GEE LLP  
75 MAIN ST PO BOX 192  
MILLBURN, NJ 07041-0000  
973-467-8080

#### Person or Business Being Sued (Defendant)

Carl Grant

See Page 3 for additional Defendant list

#### The Person or Business Suing You Claims You Owe the Following:

Demand Amount	\$4018.66
Filing Fee	\$85.00
Service Fee	\$21.00
Attorney's Fees	\$0.00
<b>TOTAL</b>	<b>\$4124.66</b>

### FOR JUDICIARY USE ONLY

In the attached complaint, the person or business suing you briefly tells the court his or her version of the facts of the case and how much money he or she claims you owe. **If you do not answer the complaint, you may lose the case automatically and the court may give the plaintiff what the plaintiff is asking for, plus interest and court costs. You have 35 days from the date of service to file your answer or a signed agreement.** If a judgment is entered against you, a Special Civil Part Officer may seize your money, wages or personal property to pay all or part of the judgment. The judgment is valid for 20 years.

**IF YOU DISAGREE WITH THE PLAINTIFF'S CLAIMS, A WRITTEN ANSWER OR SIGNED AGREEMENT MUST BE RECEIVED BY THE COURT ABOVE, ON OR BEFORE 01/18/2018, OR THE COURT MAY RULE AGAINST YOU. IF YOU DISAGREE WITH THE PLAINTIFF, YOU MUST DO ONE OR BOTH OF THE FOLLOWING:**

- 1. Answer the complaint.** An answer form that will explain how to respond to the complaint is available at any of the New Jersey Special Civil Part Offices or on the Judiciary's Internet site [njcourts.gov](http://njcourts.gov) under the section for Forms. If you decide to file an answer to the complaint made against you:
  - Fill out the Answer form AND pay the applicable filing fee by check or money order payable to: **Treasurer, State of New Jersey**. Include **HUD-DC-016152-17** (your Docket Number) on the check.
  - Mail or hand deliver the completed Answer form and the check or money order to the court's address listed above.
  - Hand deliver or send by regular mail a copy of the completed Answer form to the plaintiff's attorney. If the plaintiff does not have an attorney, send your completed answer form to the plaintiff by regular and certified mail. This **MUST** be done at the same time you file your Answer with the court on or before **01/18/2018**.
- 2. Resolve the dispute.** Contact the plaintiff's attorney, or contact the plaintiff if the plaintiff does not have an attorney, to resolve this dispute. The plaintiff may agree to accept payment arrangements. If you reach an agreement, mail or hand deliver the **SIGNED** agreement to the court's address listed above on or before **01/18/2018**.

**Please Note - You may wish to get an attorney to represent you.** If you cannot afford to pay for an attorney, free legal advice may be available by contacting Legal Services at 201-792-6363. If you can afford to pay an attorney but do not know one, you may call the Lawyer Referral Services of your local County Bar Association at 201-798-2727. Notify the court now if you need an interpreter or an accommodation for a disability for any future court appearance.

/s/ Michelle M. Smith

Clerk of the Superior Court







Dirección y teléfono del tribunal  
Parte Civil Especial de HUDSON  
595 NEWARK AVENUE  
JERSEY CITY, NJ 07306-0000  
201-748-4400 ext.66680

**El Tribunal Superior de Nueva Jersey**  
**División de Derecho, Parte Civil Especial**  
Condado de HUDSON  
Número del expediente **HUD-DC-016152-17**  
**Demanda de Acción Civil**  
**NOTIFICACIÓN DE DEMANDA**  
**TORT-AUTO**

### ¡LE ESTÁN DEMANDANDO!

**Persona o entidad comercial que le está demandando (*el demandante*)**

GEICO

See Page 3 for additional Plaintiff list

**Información sobre el abogado del demandante**

WILLIAM HAHN  
MC DERMOTT & MC GEE LLP  
75 MAIN ST PO BOX 192  
MILLBURN, NJ 07041-0000  
973-467-8080

**Persona o comercial ser demandada (*el demandado*)**

Carl Grant

See Page 3 for additional Defendant list

**La persona o comercial que le está demandando afirma que usted le debe lo siguiente:**

Cantidad a la vista	\$4018.66
Tasa judicial	\$85.00
Cargo del emplazamiento	\$21.00
Honorarios del abogado	\$0.00
<b>TOTAL</b>	<b>\$4124.66</b>

### PARA USO EXCLUSIVO DEL PODER JUDICIAL

En la demanda adjunta la persona o entidad comercial que le está demandando le informa brevemente al juez su versión de los hechos de la causa y la suma de dinero que afirma que usted le debe. **Si usted no responde a la demanda puede perder la causa automáticamente y el juez puede dar al demandante lo que está pidiendo más intereses y los costos legales. Usted tiene 35 días a partir de la fecha del emplazamiento para presentar su respuesta o un acuerdo firmado.** Si se dicta un fallo en su contra, un Oficial de la Parte Civil Especial puede embargar su dinero, sueldo o sus bienes muebles (personales) para pagar todo el fallo o una parte del mismo. El fallo es válido por 20 años.

**SI USTED NO ESTÁ DE ACUERDO CON LAS ALEGACIONES DEL DEMANDANTE, EL TRIBUNAL TIENE QUE RECIBIR UNA RESPUESTA POR ESCRITO O UN ACUERDO FIRMADO PARA EL 01/18/2018 O ANTES DE ESA FECHA, O EL JUEZ PUEDE EMITIR UN FALLO EN SU CONTRA. SI USTED NO ESTÁ DE ACUERDO CON EL DEMANDANTE, DEBE HACER UNA DE LAS SIGUIENTES COSAS O LAS DOS:**

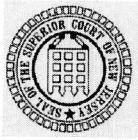
1. ***Responder a la demanda.*** Un formulario de respuesta que le explicará cómo responder a la demanda está disponible en cualquiera de las Oficinas de la Parte Civil Especial de Nueva Jersey o en el sitio Internet del Poder Judicial [njcourts.gov](http://njcourts.gov) bajo la sección de formularios (Forms). Si usted decide presentar una respuesta a la demanda que se hizo en su contra:
  - Llene el formulario de Respuesta Y pague la tasa judicial de presentación que corresponda mediante un cheque o giro bancario o postal acreditable al: "**Treasurer, State of New Jersey**" (Tesorero del Estado de Nueva Jersey). Incluya **HUD-DC-016152-17** (el número de su expediente) en el cheque.
  - Envíe por correo el formulario de Respuesta llenado y el cheque o giro bancario o postal a la dirección del tribunal que figura más arriba, o entréguelos personalmente en dicha dirección.
  - Entregue personalmente o envíe por correo común una copia del formulario de Respuesta llenado al abogado del demandante. Si el demandante no tiene abogado, envíe su formulario de respuesta llenado al demandante por correo común y por correo certificado. Esto SE TIENE que hacer al mismo tiempo que presente su Respuesta al tribunal a más tardar el **01/18/2018**.
2. ***Resolver la disputa.*** Comuníquese con el abogado del demandante, o con el demandante si éste no tiene abogado, para resolver esta disputa. El demandante puede estar de acuerdo con aceptar arreglos de pago. **Si llegara a un acuerdo, envíe por correo o entregue personalmente el acuerdo FIRMADO** a la dirección del tribunal que figura más arriba, o entréguelo personalmente en dicha dirección a más tardar el **01/18/2018**.

**Nota - Puede que usted quiera conseguir que un abogado para que lo represente.** Si usted no puede pagar a un abogado, podría obtener consejos legales gratuitos si se comunica con Legal Services (Servicios Legales) llamando al 201-792-6363. Si usted puede pagar a un abogado, pero no conoce a ninguno, puede llamar al Lawyer Referral Services (Servicios de Recomendación de Abogados) del Colegio de Abogados (Bar Association) de su condado local al 201-798-2727. Notifique al tribunal ahora si usted necesita un intérprete o un arreglo por una discapacidad para cualquier comparecencia futura en el tribunal.

/s/ Michelle M. Smith

Subsecretario(a) del Tribunal Superior





Court's Address and Phone Number:  
HUDSON Special Civil Part  
595 NEWARK AVENUE  
JERSEY CITY, NJ 07306-0000

201-748-4400 ext.66680

**Superior Court of New Jersey**  
**Law Division, Special Civil Part**  
**HUDSON County**  
Docket No: **HUD-DC-016152-17**  
**Civil Action**  
**SUMMONS**  
**TORT-AUTO**

**Additional Plaintiffs/demandantes adicionales**

**Additional Defendants/demandados adicionales**

Penske Lease & Rental  
US Trailer Holdings LLC



CERTIFICATION

I hereby certify that the original of the within pleading was filed with the Clerk of the Court and copies were sent to all counsel of record within the time period prescribed by the provision of Rule 4:6.

CERTIFICATION AS TO RULE 4:5-1

To the best of my knowledge, information and belief, the matter in controversy is not the subject of any other action.

CERTIFICATION AS TO RULE 1:38-7(b)

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

McDERMOTT & McGEE, LLP  
Attorneys for Plaintiffs, GEICO a/s/o Aleksey Tash

By: 

William Hahn

Dated: December 6, 2017



William Hahn, Esq.: Attorney ID: 018072007  
McDermott & McGee, LLP  
75 Main Street  
PO Box 192  
Millburn, New Jersey 07041  
(973) 467-8080  
Attorneys for Plaintiff, GEICO a/s/o Aleksey Tash  
Our File No.: G170414I WH

Plaintiff  
GEICO a/s/o Aleksey Tash

vs.

Defendant(s)  
Carl Grant, Penske Lease & Rental and US  
Trailer Holdings LLC.

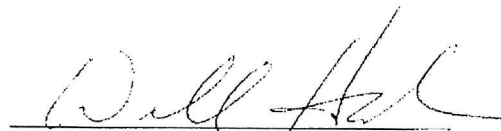
SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: HUDSON COUNTY  
DOCKET NO.: HUD-DC-

Civil Action

**AFFIDAVIT OF DILIGENCE INQUIRY**

William Hahn, of full age, being duly sworn upon his oath hereby deposes and says:

1. I am an attorney at law of the State of New Jersey and I am an associate at the law firm of McDermott & McGee, counsel for plaintiff, GEICO with respect to this matter. As the attorney charged with the handling of this file, I am fully familiar with the facts set forth herein. I make this Affidavit in support of plaintiff's request to file a complaint against Carl Grant, Penske Lease & Rental, and US Trailer Holdings LLC.
2. I have made diligent search and inquiry of the defendants, Carl Grant, Penske Lease & Rental, and US Trailer Holdings LLC, do not reside in NJ.
3. It is respectfully requested that pursuant to Rule 6:2-3 the defendant be served by the mail program.

  
William Hahn, Esq.

Dated:

12/7/17

( )  
  
William Hahn, Esq.: Attorney ID: 018072007  
McDermott & McGee, LLP  
75 Main Street  
PO Box 192  
Millburn, New Jersey 07041  
(973) 467-8080  
Attorneys for Plaintiff, GEICO a/s/o Aleksey Tash  
Our File No.: G1704141 WH

Plaintiff	:	SUPERIOR COURT OF NEW JERSEY
GEICO a/s/o Aleksey Tash	:	SPECIAL CIVIL PART
	:	HUDSON COUNTY
vs.	:	DOCKET NO.: HUD-DC-
	:	
Defendant(s)	:	CIVIL ACTION
Carl Grant, Penske Lease & Rental and US	:	
Trailer Holdings LLC	:	COMPLAINT
	:	

The plaintiff, GEICO, as subrogee of Aleksey Tash, a corporation conducting business and residing in every county throughout the State of New Jersey, by way of complaint against the defendants herein says:

**FIRST COUNT**

1. On or about April 14, 2017, Aleksey Tash was the owner and operator of a vehicle that traveling on Route 3 East in North Bergen, New Jersey.

2. On or about April 14, 2017, the vehicle owned by Aleksey Tash was insured by plaintiff GEICO.

3. At or about the aforementioned time and place, defendant Carl Grant was operating a vehicle owned by defendant Penske Lease & Rental and/or US Trailer Holdings LLC that was traveling on Route 3 East in North Bergen, New Jersey.

4. Carl Grant was operating said vehicle as the agent, servant, and/or employee of defendant Penske Lease & Rental and/or US Trailer Holdings LLC.



(

5. At the aforementioned time and place, the above named defendants operated and/or maintained and/or serviced and/or inspected their vehicle in a careless, negligent and/or reckless manner thereby by striking the vehicle owned by Aleksey Tash.

6. As a proximate result of the aforesaid accident, the Tash vehicle was caused to sustain damage.

7. As a further consequence of the accident referenced above, GEICO's insured, Aleksey Tash, presented a property damage claim to plaintiff GEICO to recover for the damage sustained to said vehicle.

8. As a further consequence of the accident referenced above, plaintiff GEICO has been caused to pay \$3,018.66 for property damage.

9. The aforesaid accident was caused solely by the negligence of the defendants.

10. Plaintiff GEICO is subrogated to the rights of Aleksey Tash with regard to its right to recover any damages sustained to the subject vehicle.

11. As a further consequence of the accident referenced above, Aleksey Tash was caused to pay a \$1,000.00 deductible with regard to the claim for property damage.

12. The Defendants do not reside in New Jersey.

WHEREFORE, plaintiff demands judgment against the defendants in the amount of \$4,018.66 together with interest and costs of suit.

**DESIGNATION OF TRIAL COUNSEL**

Pursuant to Rule 4:25-4, William Hahn, Esq. is hereby designated trial counsel in the within matter.

HUDDC01615217

Hudson Civil Div.  
595 Newark Avenue  
Jersey City NJ 07306  
(201) 795-6680

00138 05  
CARL GRANT  
14318 18 3RD STREET  
SPRINGFIELD GDNS NY 11413





## EXHIBIT B



**U.S. Department of Justice**

United States Attorney  
District of New Jersey  
*Civil Division*

CRAIG CARPENITO  
UNITED STATES ATTORNEY

*Daniel J. Gibbons*  
Assistant United States Attorney  
Senior Litigation Counsel

970 Broad Street, Suite 700  
Newark, NJ 07102  
[daniel.gibbons@usdoj.gov](mailto:daniel.gibbons@usdoj.gov)

main: (973) 645-2700  
direct: (973) 645-2828  
fax: (973) 297-2010

February 5, 2018

**By FedEx**

Clerk, Superior Court of New Jersey  
Hudson County, Law Division, Civil Part  
William Brennan Courthouse  
583 Newark Avenue  
Jersey City, NJ 07306

Re: *GEICO a/s/o Aleksey Tash v. Carl Grant, et al.*  
Superior Court of New Jersey, Hudson County, HUD-DC-016152-17

To the Clerk of Court:

Enclosed, please find two copies of a Notice of Removal and a Civil Cover Sheet for the above case pending in the Superior Court of New Jersey, Law Division, Special Civil Part, Hudson County, Docket Number HUD-DC-016152-17 and captioned *GEICO a/s/o Aleksey Tash v. Carl Grant, et al.* The above captioned case was removed to federal district court on or about February 5, 2018. We respectfully request that the Notice be filed and one stamped copy returned to this Office in the enclosed self-addressed, no postage-necessary envelope.

Pursuant to 28 U.S.C. § 1446(d), effective upon the filing of the Notice in the Superior Court, the action is removed to federal district court. The statute directs that the state court “shall proceed no further” with this matter unless the case is remanded. Thank you for your assistance with this matter.

Respectfully Submitted,

CRAIG CARPENITO  
United States Attorney

*s/ Daniel J. Gibbons*

By:

\_\_\_\_\_  
DANIEL J. GIBBONS  
Assistant United States Attorney

Enclosures

By FedEx

cc: William Hahn, Esq.  
McDermott & McGee, LLP  
75 Main Street  
PO Box 192  
Millburn, New Jersey 07041

Michelle M. Smith, Esq., Clerk  
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